

City of York Board of Zoning Appeals
Minutes
July 6, 2022

Members Present:

Chairperson James Ramere
Becca Caldwell
Rodney Blair
Jill Neff
Myra Sinz
Bryant Brown

Members absent:

Strauss Shiple

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

The first item of business was approval of the draft Minutes from the May 9, 2022 meeting. Upon a Motion by Bryant Brown, seconded by Jill Neff, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The second item of business was variance application regarding setback requirements for a proposed house addition at 6 West Madison Street.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a variance application regarding required minimum side setbacks for a house addition at 6 West Madison Street.
2. The applicant is *Loreen Daly* and the property is referenced by York County Tax Map Id # 0700212022.
3. The property is currently zoned *R15- Restricted Residential*.
4. In a R15 district, the minimum required side setback is 10 feet from the property line.
5. Per the attached application and supporting information, the applicant requested a variance to construct a house addition that would have a side setback of less than the required 10 feet. City staff requested that the applicant provide the exact proposed setback for the addition but have not received such information.

6. As the variance application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
7. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA unanimously conditionally approved the special exception application based on a minimum 5-foot side setback being maintained, compliance with each of the previously-noted special exception requirements and the applicant providing appropriate verification of compliance with the 5-ft required setback.

The third item of business was a special exception request for a liquor store to be located at 1070 Filbert Highway (former Dollar General location) in the GI – General Industrial District.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the third item of business was a special exception application for a proposed liquor store to be located at 1070 Filbert Highway.
2. The applicant is Krunal Patel and the property is referenced by York County Tax Map Id # 0702301034.
3. The property is currently zoned GI- General Industrial and gateway corridor overlay.
4. Liquor stores are only allowed in the GI – General Industrial zoning district by special exception approval subject to a minimum 250 feet separation from any cemetery. The distance shall be determined by measuring the shortest straight-line distance between the structure housing the liquor store and the property of the designated property line.
5. The applicant requested approval of the special exception application and supporting information provided in the meeting packet

6. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
7. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA unanimously conditionally approved the special exception application as submitted noting the applicant must submit a survey verifying that the building is 250 feet away from any cemetery.

The fourth item of business was a special exception request for entryway signage for Asbury Ridge Subdivision to located at the corner of West Alexander Love Highway and Highway 5.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fourth item of business was a special exception application for entryway signage for the Asbury Ridge subdivision to be located at the intersection of Black Highway and Alexander Love Highway.
2. The applicant is *Icon Custom Masonry* and the property is referenced by York County Tax Map Id # 0702301042.
3. The property is currently zoned PUD- Planned Unit Development and gateway corridor overlay.
4. The approved plan for the project specified that such proposed freestanding signage must be reviewed through the special exception process via the Board of Zoning Appeals.
5. The applicant requested approval of the special exception application and supporting information provided in the meeting packet

6. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
7. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA unanimously conditionally approved the special exception application as submitted noting the sign must not interfere with line of sight requirements and must meet setback requirements.

The fifth item of business was a special exception request for entryway signage for the 40-unit townhome project (The Landings at White Rose) to be located on McFarland Road near the intersection of East Liberty Street.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fifth item of business was a special exception application for entryway signage for the 40-unit townhome project (The Landings at White Rose) to be located on McFarland Rd near the intersection of East Liberty Street.
2. The applicant is Coulston Enterprises Inc. and the property is referenced by York County Tax Map Id #'s 0701501011 & 0701501013.
3. The property is currently zoned R5- Multifamily Residential.
4. Table 12.2 Freestanding Sign Regulations of the Zoning Ordinance specified that such proposed signage in a R5 district must be reviewed through the special exception process via the Board of Zoning Appeals.
5. The applicant has requested approval of the special exception application and supporting information provided in the meeting packet.

6. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
7. At your May 9th meeting, the BZA deferred action on this application as detailed in the attached Minutes from that meeting.
8. Please be mindful, in particular, that it has been noted that the already-installed sign appears to extend into the street right-of-way, which is not allowed. We requested that the applicant provide written verification (plat, etc.) that the proposed signage complies with minimum setback requirements. The application cannot be approved without this verification.
9. The initial BZA meeting for this project was held on May 9th. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved. Therefore, this is the last BZA meeting within the 75-day timeframe to render a decision on the matter.
10. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
11. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
12. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Myra Sinz, the BZA unanimously conditionally approved the special exception application as submitted based on the City of York Utilities/ Public Works Departments approving the proposed sign location in relation to the adjacent sidewalk.

The sixth item of business was special exception request for a proposed single-family dwelling residential subdivision (Brighton Springs) on Highway 5 near Park Place Road.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fourth item of business was a special exception application for entryway signage for the proposed Brighton Springs Subdivision on Highway 5 near the intersection of Park Place Road. Rezoning and annexation applications are being processed for this project as well.
2. The applicant is Meritage Homes c/o ESP Associates and the property is referenced by York County Tax Map Id #'s 3960000002 & 3960000027.
3. The property is currently zoned RUD by York County.
4. The applicant proposes to annex and rezone the property to R5- Multifamily Residential.
5. The applicant requested that the property be annexed and rezoned to R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the

Planning Commission (PC) must review the application and then render a recommendation to York City Council. At a recent meeting, the PC recommended that York City Council approve the rezoning request. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.

6. At its May 2nd meeting, York City Council gave first reading approval to the annexation and rezoning ordinance for the properties. City Council is scheduled to conduct a public hearing and 2nd reading regarding this matter on August 2nd.
7. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
8. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
9. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed. Included in a previous packet were the Minutes from the pertinent PC meeting that provide details regarding the conditions.
10. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information. The applicant has provided information to address PC concerns. Such information was provided in your previous meeting packet.
11. At its May 9th meeting, the BZA deferred action on this application as detailed in the attached Minutes from that meeting.
12. Since your May 9th meeting, the City has received a complaint from the adjacent property owner regarding boundary surveys/lines. We provided the latest emails in your meeting packet that describe the complaint as well as the response from the applicant. We forwarded this information to the City Attorney for review and comment. Mr. Brice has indicated that the boundary line issue is not one for the BZA to consider or decide and that the BZA must rely on information submitted by the applicant.
13. The initial BZA meeting for this project was held on May 9th. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved. Therefore, this is the last BZA meeting within the 75-day timeframe to render a decision on the matter.
14. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
15. Please be reminded that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the annexation and the requested R5 – Multifamily Residential zoning designation for the properties.
16. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
17. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA unanimously approved the special exception application as submitted based on City Council approving the rezoning and annexation at its upcoming meeting.

There being no further business, the meeting was adjourned at 7:24 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

Amanda C. Blackston,
Zoning Administrator

cc: City Manager Seth Duncan
File- Board of Zoning Appeals 7/6/2022